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MD

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/999,297 12/29/97 POOL E 0090-001

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LM02/1005

EXAMINER

FREJD, R

ART UNIT	PAPER NUMBER
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2763

DATE MAILED:

10/05/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/999,297

Applicant(s)

POOL

Examiner

R. FREED

Group Art Unit

2763

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 5-5-99
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 1
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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Examination of Application #08/999,297

1. Claims 1-20 of application 08/999,297, filed on 29-December-1997, are presented for examination.

Specification Objections

2. The disclosure is objected to because the specification contains an appendix. Patent Rules (Section 1.96) stipulate that only "computer program listings" may form an appendix. For this reason, applicant's appendix will not be printed if this application is issued. Furthermore, applicant must delete all reference to the appendix from the specification. If the specification requires this appendix, the information from the appendix may be amended into the specification, but however, no drawings will be allowed.

Claim Rejections under 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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4. Claims 1-20 are rejected under 35 U.S.C. § 103 as being unpatentable over Boesch et al. (hereinafter Boesch), patent no. 5,897,621, in view of Chelliah et al. (hereinafter Chelliah), patent no. 5,710,887.

5. Boesch disclosed the invention substantially as claimed, including a system and method for determining approval of a multi-currency transaction between a customer and a merchant over a network, comprising:

In regard to claim 1, steps for carrying out international commerce [col. 1, line 25] over network communications connections between a plurality of computer systems [col. 3, lines 57-62] (process for carrying out international transactions over EMF communication links using computer to computer communications); steps wherein the customer user has knowledge about the product that the merchant user is providing, including information provided in catalogs [col. 13, lines 5-11](selecting a language in which to view catalogue information); steps wherein the customer user selects a currency in which to pay for the product [col. 7, line 13](selecting a currency in which to obtain a product price); steps wherein the customer user and the merchant user agree on a product to be purchased at a price and in a currency [col. 7, line 5](selecting products to be purchased...triggering calculation of all costs based on said selected products); and steps wherein "approval" of the multi-currency transaction [col. 6, line 12] results in a "virtual settlement" transaction that entails the movement of electronic funds to a merchant user's account [col. 6, lines 20-30](ordering the selected products triggers an electronic funds transfer authorization).

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Boesch does not teach the mechanism of delivery of the product [col. 4, line 5], i.e. applicant's selection of a destination for said purchased products, calculation of costs involved in moving the products to the destination, or generation of electronic title. However, Boesch does recognize that the delivery of the product could be coincident with, before or after payment [col. 4, line 7]. Furthermore, Chelliah is provided to show an example of electronic catalog sales, wherein the costs associated with shipping purchased items to the location designated by the customer, based upon weight, size, special shipping requirements, geographical location, etc., are calculated by a commercially available shipping cost calculation system [col. 11, lines 29-39], including generating a receipt for the customer [col. 18, line 23]. In view of the foregoing, one of ordinary skill in the art would have found it obvious to combine the multi-currency transaction method of Boesch with the shipping the cost method of Chelliah because it would further improve the facilitation of commercial transactions between a customer and a merchant over a computer driven network.

In regard to claim 2, Boesch provides steps for preestablishing a relationship between the customer user and the merchant user in order to verify the validity of the commercial transaction [col. 5, lines 23-35, 56], including communications over the Internet [col. 3, line 62].

In regard to claim 3, Boesch provides steps wherein the customer verification information includes the currency in which the customer intends to purchase products [col. 5,

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line 60], said currency being subject to an exchange rate [col. 1, line 62] and a medium of exchange [col. 1, line 35].

In regard to claim 4, Boesch provides steps wherein computer networks are utilized to conduct electronic commerce transactions both internationally and domestically [col. 1].

In regard to claims 5-10, Chelliah provides steps wherein the costs for special shipping requirements, including location, are calculated by a commercially available shipping cost calculation system [col. 11, line 30-39].

In regard to claim 11, Boesch provides steps wherein customer data identifying the customer user [col. 5, line 24] is part of a pre-established relationship with the merchant user [col. 5, line 50].

In regard to claim 12, Boesch provides steps wherein the merchant user provides catalogs to the customer user illustrating products, prices and currencies prior to the purchase [col. 13, lines 9-15.]

In regard to claim 13, the limitations of this claim were discussed in the rejection of claims 1 and 8, and are therefore considered rejected for the reasons as set forth above.

In regard to claim 14, the limitations of this claim were discussed in the rejection of claim 6, and are therefore considered rejected for the reasons as set forth above.

In regard to claim 15, the limitations of this claim were discussed in the rejection of claims 2, 3 and 5-7, and are therefore considered rejected for the reasons as set forth above.

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In regard to claim 16, the limitations of this claim were discussed in the rejection of claim 3, and are therefore considered rejected for the reasons as set forth above.

In regard to claim 17, the limitations of this claim were discussed in the rejection of claims 11 and 12, and are therefore considered rejected for the reasons as set forth above.

In regard to claim 18, the limitations of this claim were discussed in the rejection of claims 1 and 5, and are therefore considered rejected for the reasons as set forth above.

In regard to claim 19, the limitations of this claim were discussed in the rejection of claim 9, and are therefore considered rejected for the reasons as set forth above.

In regard to claim 20, the limitations of this claim were discussed in the rejection of claim 10, and are therefore considered rejected for the reasons as set forth above.

Response Guidelines

6. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

7. **Any response to the Examiner in regard to this non-final action should be**

directed to: Russell Frejd, telephone number (703) 305-4839, Monday-Friday from 0630 to 1500 ET, or the examiner's supervisor, Kevin Teska, telephone number (703) 305-9704. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231

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or faxed to: (703) 308-9051 (for formal communications intended for entry), or
(703) 308-1396 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth
Floor (Receptionist).*

Date: 1-October-1999

Russell Feys


KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER